

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARTHA VALENTINE, et al.,  
Plaintiffs,  
v.  
CROCS, INC.,  
Defendant.

Case No. [22-cv-07463-TLT](#)

**ORDER GRANTING MOTION TO  
RELATE**

Re: Dkt. No. 168

Related Case: *Mongalo, et al v. Crocs, Inc.*,  
No. 3:24-cv-09037-VC

On August 5, 2024, Jacqueline Mongalo, Chelsea Garland, Melissa Harmon, and Philip Werner filed a motion to intervene. ECF 107. Interveners attempted to intervene after they read Defendant's opposition to Plaintiffs' motion to certify class and felt that the Court may deny Plaintiffs' motion to certify class. ECF 126, at 5. The Court denied the Interveners' motion with prejudice, finding the intervention to be untimely and result in prejudice to the parties. *Id.* at 8.

On October 16, 2024, the Court denied Plaintiffs' motion for class certification. ECF 150. Subsequently, Plaintiffs filed a petition with the Ninth Circuit pursuant to Rule 23(f) of the Federal Rule of Civil Procedure requesting permission to appeal the order. *See Cornejo et al. v. Crocs, Inc.*, Case No. 24-6645, Dkt. Nos. 1 & 2 (9th Cir. Oct. 30, 2024). The petition remains pending. The Court granted Plaintiffs' motion to stay proceedings pending resolution of the petition. ECF 166. The stay will be lifted on February 3, 2025. *Id.*

While this case remained stayed, on December 13, 2024, Plaintiffs' counsel filed a second case captioned *Mongalo, et al v. Crocs, Inc.*, No. 3:24-cv-09037-VC. *Mongalo* alleges substantially similar transactions and events involving identical questions of law and fact and the same conduct by the same Defendant. Further, the *Mongalo* Plaintiffs—Jacqueline Mongalo, Chelsea Garland, Melissa Harmon, and Philip Werner—are the same individuals as the Interveners this Court previously denied the right to intervene with prejudice.


1 Pending before the Court is Plaintiffs' motion to relate the cases pursuant to local rules 3-  
2 12(a) and 7-11. ECF 168. Defendant did not file an opposition. The Court finds that the earlier-  
3 filed case of *Valentine v. Crocs, Inc.*, No. 3:22-cv-07463, and the later filed case, *Jacqueline*  
4 *Mongalo v. Crocs, Inc.*, No. 3:24-cv-09037-VC are related. The Court **GRANTS** Plaintiff's  
5 motion to relate.

6 Because the Court denied motion for class certification, the *Mongalo* plaintiffs will  
7 proceed with Plaintiff Ruby Cornejo on an individual basis rather than a class basis. Upon the  
8 stay lifting, the Court will reassess whether it retains subject matter jurisdiction.

9 This Order resolves ECF 168.

10 **IT IS SO ORDERED.**

11 Dated: January 16, 2025

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13 TRINA L. THOMPSON  
14 United States District Judge  
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